

GEORGE MAJOR,
 Plaintiff
 v.
 SUPERINTENDENT MARK
 GARMAN, et al.,
 Defendants

No. 3:19cv218
 (Judge Munley)
 (Magistrate Judge Carlson)

FILE
 SCRAM

APR 17 2019

PER

DEPUTY CLERK

Where no objection is made to a report and recommendation, this Court will review the recommendation only for clear error. Fed. R. Civ. P. 72(b), advisory committee notes; see *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that court should in some manner review recommendations regardless of whether objections were filed). Regardless

of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1); Local Rule 72.31. This Court has reviewed the Report and Recommendation and has found no clear error on the face of the record. Consequently, it is hereby ORDERED that:

1. Magistrate Judge Martin C. Carlson's Report and Recommendation (Doc. 5) is ADOPTED in its entirety;
2. All claims against Garman are DISMISSED without prejudice;
3. Major may file an amended complaint within 30 days of the date of this Order that addresses the deficiencies identified in Magistrate Judge Carlson's Report and Recommendation. Failure to timely file an amended complaint will be deemed an election to proceed only with respect to remaining Defendants; and
4. Service is deferred pending receipt (or non-receipt) of Major's amended complaint.

BY THE COURT:

Date: 4/16/19

s/James M. Munley

**JUDGE JAMES M. MUNLEY
United States District Court**